

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Mary K. Woodfill,

Case No. 3:11CV2236

Plaintiff

v.

ORDER

Secretary of Health and Human Services, et al.,

Defendant

This is a social security disability case in which the plaintiff challenges a decision to deny her request for implantation of a Medtronic device. Following referral for a Magistrate Judge's Report and Recommendation, the Magistrate Judge has recommended that the decision be upheld. (Doc. 67).

Plaintiff failed to file a timely objection. Pending is her motion for leave to file a delayed objection (Doc. 68) and her objection to the Report and Recommendation. (Doc. 70). The Secretary opposes the filing of the objection and also contends that the objection is not well-taken on the merits. (Doc. 71).

I shall allow the objection to be filed. Plaintiff's counsel states he did not receive notice of the filing of the Report and Recommendation.

On *de novo* review of the Report and Recommendation, objection, and opposition, I find that the Report and Recommendation should be adopted. The Secretary's decision to deny the plaintiff's application was correct, and not accompanied by any procedural error.

It is, accordingly,

ORDERED THAT:

1. Motion for leave to file untimely objection, granted; and
2. Objection overruled, Magistrate Judge's Report and Recommendation adopted as the order of this court.

The Clerk shall enter judgment accordingly.

So ordered.

/s/ James G.Carr
Sr. U.S. District Judge